

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

JOHN GARDNER, IV and
DAVID GARDNER
Plaintiffs

v.

JAMES R. LARKIN, individually and as
managing member of Blushield Window
Systems, LLC; BLUSHIELD WINDOW
SYSTEMS, LLC and JOHN DOES 1-10
Defendants,

JAMES R. LARKIN, individually
Counterclaimant, and
Third Party Plaintiff, and

v.

CUSTOM BUILT, INC.,
CUSTOM BUILT WINDOWS
MANUFACTURING, LLC,
JOHN GARDNER, III,
Third Party Defendants

and

JOHN GARDNER, IV, and
DAVID GARDNER
Counter-defendants

C.A. No. 19-cv-00139-JJM-PAS

**EXPEDITED CONSIDERATION
REQUESTED (LR Civ. 9)**

JOINT MOTION TO STAY

Plaintiffs John E. Gardner, IV and David Gardner, Defendant James R. Larkin, and Third
Party Defendant John E. Gardner, III, in furtherance of a negotiated resolution of the above-
captioned case, jointly move to stay the above-captioned matter as follows:

(a) The Order dated March 30, 2020 [ECF # 169] shall be stayed until May 4, 2020.

Custom Built, Inc and Custom Built Windows Manufacturing, LLC shall continue to

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be managed and operated until May 4, 2020, subject to the Order dated October 31, 2019 [ECF # 114], as amended on November 26, 2019 [ECF # 121], which shall remain in effect.

- (b) All other deadlines and activity in the case, including discovery, shall be stayed until May 4, 2020, excepting emergency matters. The Rule 16 teleconference now scheduled for April 21, 2020 at 9:30 am [ECF # 165] shall be continued to another date by further order of the Court.
- (c) The Receiver shall file a final report and petition for approval of his and his approved consultants'/experts' fees enumerating all administrative expenses on or before April 13, 2020, for review and approval by the Court, which, if approved, payable by Custom Built, Inc and Custom Built Windows Manufacturing, LLC. Objections to the Receiver's fees and administrative expenses, shall be filed, if at all, within five days thereafter. The Court shall give expedited consideration of the Receiver's fee petition.
- (d) The Receiver shall be discharged, and his bond released, upon the filing of a Stipulation of Voluntary Dismissal With Prejudice at any time before May 4, 2020.

A form of Proposed Order is attached hereto.

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JOHN E. GARDNER
DAVID GARDNER
JOHN E. GARDNER, III

JAMES R. LARKIN

By their attorneys,

By his Attorneys,

/s/ David E. Maglio
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THEODORE ORSON in his capacity as
Receiver *pendente lite* for CUSTOM
BUILT, INC. and CUSTOM BUILT
WINDOWS MANUFACTURING LLC

/s/ Theodore Orson
Theodore Orson (#3871)
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CERTIFICATE OF SERVICE

I hereby certify that I filed this document electronically on April 6, 2020 and that it is available for viewing and downloading from the ECF system. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing as indicated on the Notice of Electronic Filing. Parties and counsel of record may access this filing through the Court's CM/ECF System.

/s/David E. Maglio